



**FORT MYERS BEACH TOWN COUNCIL  
TOWN HALL – COUNCIL CHAMBERS  
2523 ESTERO BOULEVARD  
FORT MYERS BEACH, FLORIDA 33931**

## **MINUTES**

### **Special Work Session**

**Tuesday, January 10, 2012**

Mayor Kiker called to order the special work session of the Town Council at 6:30 PM. Present with Mayor Kiker was Council Member Kosinski and Council Member Mandel. Vice Mayor Raymond was absent, and Council Member List was absent. Also in attendance was Town Manager Stewart, Town Clerk Mayher and Community Development Director Fluegel.

All stood and pledged allegiance to the American flag.

Town Manager Stewart provided a thumbnail sketch of the referendum issue, what the Town can and cannot do to support a referendum, and spoke briefly about eminent domain.

Council Member Mandel stated that the referendum gives the Town another alternative; the Town would have an option for a short term lease, long term lease or a purchase. The Council needs to decide what is the most efficient method to have a Town hall.

Council Member Kosinski thanked islanders for getting involved; he stated the Council is fine with either way the vote goes. He added that he would like to see the Town's equipment stored in a lower level of a Town hall building.

Mayor Kiker added that it is all about options. In all probability, it will be a future Council that will implement the results should the referendum pass. He then opened up the floor for public comment.

#### **Public Comment**

- **Frank Schilling** stated it is vital to have sufficient time for public input; the item needs more discussion. He questioned the justification; why do we want this? What are we going to get for it?

Town Manager Stewart responded that the Council began discussing placing a referendum on the Presidential Primary last August. The justification is to have control over our future, and to meet the needs of the Town now and in the future.

Council Member Mandel offered the justification is to get to the point where we have three alternatives on the table and added that negotiating under the Sunshine is difficult.

Mayor Kiker stated that the Council is asking the voters for permission to proceed; if we get the permission, then we can develop specifics.

**Frank Schilling** suggested the Town Manager present a business case.

Dennis Boback stated that the horses have already left the barn; it is his opinion that this should have been discussed before the Council voted to go to referendum. He suggested that eminent domain would allow control over destiny. He added that when he was Mayor, the Town had sufficient reserves to buy the Town Hall building.

- **Pat Smith** expressed her main concern is over the seven million dollar figure, that the Charter constraint regarding long term debt is a very wise move. In looking at the numbers for the 30-year bond issue, if you cut it back to four million, taxpayers would be paying \$212,000 a year for thirty years. The Town would be better off to continue paying the \$100,000 a year lease.

Mayor Kiker stated that the Town would have preferred to simply ask the question, yes or no, but that's not how government works.

Council Member Mandel left the work session due to a prior engagement.

Town Manager Stewart responded that the Town is not removing the constraint in the Charter, but actually honoring the constraint. State law requires that the maximum amount that could be spent be made known to the public.

- **David Cofer**, 155 Anchorage, mentioned that this is the worst economic climate and he feels the Council is acting like everything is hunky-dory as they go down the spending path. He believes that the Council needs to take a step back and look at a cost-effective way to go.
- **Marilyn Quackenbush** asked why the Town had been rebuffed three times when inquired about purchasing the current building.

Mayor Kiker and Town Manager Stewart responded that the building is tied up in a trust, and the owners don't want to break up that trust as it would cost a significant amount of money to do that.

- **Janet Fuchs** stated that there is no way she will give the Council seven million dollars because she's mad about the public services tax that was passed with the FY 2012 budget.

- **Lee Melsek** reminded the Council that since the referendum is on the Republican Primary, they have a responsibility to the voters to let non-republican electorate know that they can vote on the referendum.

Mayor Kiker acknowledged that Mr. Melsek's reminder is a good one and well taken, and directed staff to make it an action item to inform all voters, regardless of party affiliation, that they can vote this issue.

- **Dave Trelise** asked whether the referendum vote is a simple majority vote, to which the Mayor and Town Manager responded yes. He then asked whether it bothers the Council that being on the republican primary would disenfranchise voters, that this is a key question. He added that to change the Town Charter is not a simple majority.

### **Closed Public Comment**

The Council discussed the need to develop different scenarios, that the Council is far away from spending seven million dollars and to be cautious in discussing eminent domain, as there is no way of knowing the validity of a property owner's claim to cost.

The meeting adjourned at 8:10 PM

Adopted \_\_\_\_\_ With/Without changes. Motion by \_\_\_\_\_

Vote: \_\_\_\_\_

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Michelle D. Mayher, Town Clerk

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